

REMARKS

Reconsideration of the above-identified application in light of the foregoing amendments and following remarks is respectfully requested.

Claim Status

Claims 1-31 are pending in the application and have been rejected. Of these, claims 1, 28 and 29 are independent in form. By this Amendment, claims 7-9, 11, 12, 26 and 27 are canceled without prejudice or disclaimer. New claims 32-40 are added. No new matter has been added.

Title

The title of the invention has been deemed not descriptive and a new title has been required. Applicant herein has amended the title to be more descriptive of the claimed invention.

Claim Rejections

Claims 1-8, 10, 11, 13, and 15-31 have been rejected under 35 USC §102(b) as allegedly being anticipated by USP 5,710,954 to Inoue. ("Inoue"). Claims 9, 12, and 14 have been rejected under 35 USC §103(a) as allegedly being unpatentable over Inoue in view of USP 5,555,022 to Haruki et al. ("Haruki").

Claims 7-9, 11, 12, 26 and 27 are herein canceled, rendering the rejections as to these claims moot.

Regarding the remaining rejected claims, Applicant respectfully disagrees with the stated rejections and believes the Examiner's rejections are not supported. Thus, as is set out in detail below, Applicant respectfully submits that the claims, as pending, are patentably distinct from the art of record.

Specifically, Applicant respectfully submits that Inoue fails to disclose an apparatus comprising an image pickup device, an instruction device, and an evaluation device that

evaluates the state of an object image before the image is picked up for photo-taking and evaluates “an object image picked up by said image pickup device for photo-taking” as recited in independent claims 1, 28 and 29.

Claim 1 recites an apparatus comprising *inter alia* an image pickup device, an instruction device, and an evaluation device “which, on the basis of (i) a state of an object existing before said image pickup device picks up an object image for photo-taking in response to the instruction of said instruction device and (ii) an object image picked up by said image pickup device for photo-taking, evaluates the object image.”

According to the present invention, initially, before an object image is picked for photo-taking, switch SW1 is turned to the “on” position and a preliminary object image is picked for evaluation, as show in Figures 3 and 6, by way of example. A series of measurements are made in step S23. Referring to the instant application at page 27, last full paragraph, by way of example, in step S56 a light measurement evaluation value is stored. Next, color processing is performed. Referring to the instant application at page 26, by way of example, in step S59 a color measurement evaluation value is stored. Next automatic focussing processes are performed. Referring to the instant application at page 28, by way of example, in step S62 a distance measurement evaluation value is stored. In this example, these values constitute a “state of an object existing before said image pickup device picks up an object image for photo-taking in response to the instruction of said instruction device” as recited in claim 1.

A photo-taking operation is initiated when the user releases switch SW2 to the “off” position, as shown in Figure 4, by way of example. After the photo-taking operation completes, a recording process begins in step S35, which is illustrated in Figure 7, by way of example. In step S91, the object image that was picked up for photo-taking is evaluated, as described in the

last paragraph at page 31 of the instant application, by way of example. The object image picked up for photo-taking is evaluated in a series of steps, similar to the ones performed in steps S56, S59 and S62; another series of values are calculated and stored. In this example, these values are compared to the values previously calculated in steps S56, S59 and S62 to evaluate the quality of the object image picked up for photo-taking.

Inoue, on the other hand, discloses a camera system capable of displaying an approximation of a previously recorded image on a monitor so that additional post-processing information may be input by the user and stored on the film with the image currently being displayed to the user. The Examiner asserts that Inoue's control circuit 237 is "an evaluation device which, on the basis of (i) a state of an object existing before said image pickup device picks up an object image for photo-taking in response to the instruction of said instruction device and (ii) an object image picked up by said image pickup device for photo-taking, evaluates the object image." Applicant respectfully disagrees with this characterization of Inoue.

Inoue's control circuit 237 coordinates and controls the operation of stop control circuit 230, zoom circuit 232, shutter control circuit 231, film feeding circuit 233, magnetic recording circuit 234, cartridge code reading circuit 236, memory 226, signal synthesizing circuit 222, AF calculating circuit 219, AF division calculating circuit 220, AE calculating circuit 215 and the AE division calculating circuit 216. (col. 26, lines 43 – 54) Neither control circuit 237 nor any other component in Inoue's system evaluate the object image picked up by the image pickup device for photo-taking.

In Inoue's system, after the object image is picked up for photo-taking, a post-processing operation is performed. (col. 7, lines 7 – 10) The post-processing performed in Inoue's system allows a user enter exposure correcting information, color correcting information, view angle

correcting information, trimming information, aspect ratio information, print count information, date information and photo CD forming information. (col. 11, line 46 to col. 12, line 38) The exposure correcting information is input “when it is decided according to the conditions on the monitor that the brightness/darkness of an entire photograph is to be corrected in a printing operation.” (col. 11, lines 46 – 51) This decision is based on the camera user’s evaluation of the image displayed; it is not based on an evaluation performed by the camera itself. Similarly, color correcting information provides emphasis of a specific color when the displayed image does not display the desired tonality “imaged by a user”. (col. 11, lines 58 – 60) This is a subjective evaluation performed by the user, not the camera. For all of the post-processing features disclosed by Inoue, it is the user who performs the evaluations of the displayed image, not the camera itself.

Thus Inoue fails to disclose an apparatus including an evaluation device as recited in claim 1. Specifically, Inoue fails to disclose an apparatus comprising an image pickup device, an instruction device, and an evaluation device that evaluates the state of an object image before the image is picked up for photo-taking and evaluates “an object image picked up by said image pickup device for photo-taking” as recited in claim 1.

For at least the foregoing reasons, claim 1 is believed to neither be taught or suggested, and therefore neither anticipated by nor rendered obvious in view of, Inoue, taken individually or in combination with the other art of record.

Similarly, as independent claims 28 and 29 respectively recite a method and computer program implementation of image evaluation corresponding to the image evaluation device in apparatus claim 1, they are believed patentably distinct from Inoue as well for at least the same reasons as claim 1.

Dependent claims

Applicant has not independently addressed the rejections of the pending dependent claims because, as stated, they are believed allowable for at least similar reasons as stated for independent claim 1 from which they depend. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

New Claims 32-40

Applicant has added new claims 32-40 to recite alternative features of the present invention. These new claims correspond to pending claims 3, 5, 6, 13-15, 17, 20 and 23 but are dependent upon independent claim 28. New claims 32-40 are believed allowable for at least similar reasons as for claim 28 from which they depend, as set forth above.

Accordingly, Applicant submits that claim 1-40 as herein presented are allowable over the prior art of record, taken alone or in combination, and that the respective rejections are hereby overcome or otherwise rendered moot, and be withdrawn. Applicant further submits that the application is hereby placed in condition for allowance which action is earnestly solicited.

CONCLUSION

Based on the foregoing amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

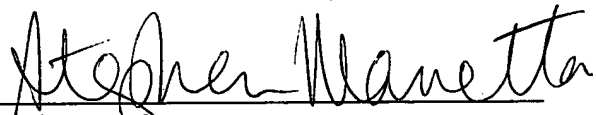
AUTHORIZATION

In the event that an extension of time is required, such extension is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4605. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: February 23, 2004

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